

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 7, 2003 ("Office Action"). At the time of the Office Action, Claims 1-21 were pending in the application. The Examiner rejects Claims 1-21.

Summary of Telephonic Interview

Applicant's attorney, Mr. Samir A. Bhavsar, conducted a telephonic interview with Examiner Mirza on October 2, 2003. Pursuant to M.P.E.P. § 713.04, Applicant submits this summary of the telephonic interview to record Applicant's understanding of the substance of the interview. If Applicant's understanding is inaccurate, notice of such is appreciated. Attorneys for Applicant thank the Examiner for the courtesy of his telephonic interview. During the interview, the patentability of Claim 1 was discussed with respect to U.S. Patent No. 4,937,777 issued to Flood et al. ("*Flood*"). No agreement was reached.

Section 102 Rejections

The Examiner rejects Claims 1, 4-7, 10-14, 16, and 18-21 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 4,937,777 issued to Flood et al. ("*Flood*"). Applicant respectfully requests reconsideration of this rejection of Claims 1, 4-7, 10-14, 16, and 18-21.

Applicant amends Claim 1 to correct a typographical mistake. Amended Claim 1 recites, in part, "A system for communicating management information, comprising ... a first interface card ... a second interface card ... and a management card coupled to the first interface card and the second interface card, the management card operable to ... receive a command from a client, the command identifying an interface card or a network device associated with an interface card ... establish a communication link between the client and a particular one of the first interface card and the second interface card selected in response to the command communicated by the client ... and communicate management information using the communication link." *Flood* fails to teach, suggest, or disclose various limitations of Claim 1.

During the telephonic interview, the Examiner equated "system controller 16" of *Flood* with the "management card" of Claim 1 and "program execution modules 18" or "I/O scanner modules 20" of *Flood* with the "interface cards" of Claim 1. Therefore, in order for

Flood to disclose the “management card” of Claim 1 and its associated functionality, the system controller 16 of *Flood* would have to “**receive a command from a client, the command identifying an interface card or a network device associated with an interface card**” as recited, in part, in Claim 1. The system controller 16 of *Flood* receives no such “command.” On the contrary, the “command” relied upon by the Examiner to reject Claim 1 is communicated from one “program execution module 18” to another “program execution module 18.” In particular, *Flood* states, “When a program execution module completes a function chart step, it sends a command to the program execution module 18 containing the next step to be executed. The command identifies the next step and instructs the program execution module 18 to begin executing it.” (*Flood*, col. 5, ll. 21-26). Therefore, *Flood* fails to teach a “management card operable to receive a command from a client” as recited in Claim 1.

Moreover, the “command” described in *Flood* “identifies the next step and instructs the program execution module 18 to begin executing it.” Nowhere does *Flood* state that its “command” identifies “an interface card or a network device associated with an interface card” as recited, in part, in Claim 1. In summary, not only is the content of the “command” in *Flood* different from the “command” in Claim 1, but the recipient of the “command” in *Flood* is not a “management card” as recited in Claim 1. For at least these reasons, *Flood* fails to teach, suggest, or disclose a “management card operable to ... receive a command from a client, the command identifying an interface card or a network device associated with an interface card” as recited, in part, in Claim 1.

Flood also fails to teach, suggest, or disclose a “management card operable to ... **establish a communication link** between the client and a particular one of the first interface card and the second interface card selected **in response to the command** communicated by the client” as recited, in part, in Claim 1. To reject this portion of Claim 1, the Examiner relies upon a portion of *Flood* that describes the system controller 16 being “connected through cable 25 to a programming terminal 24.” (*Flood*; col. 4, ll. 50-67). Terminal 24 of *Flood* “is used to load the user programs into the programmable controller and configure its operation, as well as monitor its performance.” (*Flood*; col. 4, ll. 50-54). Significantly, this portion of *Flood* makes clear that the connection created by cable 25 of *Flood* is between the system controller 16 and terminal 24. Since the Examiner equates system controller 16 with the “management card” of Claim 1, then the connection created by cable 25 of *Flood* is only

between “terminal 24” and a “management card” not between “terminal 24” and a particular one of the **first interface card** and the **second interface card**” as recited, in part, in Claim 1.

In addition, the connection created by cable 25 between terminal 24 and system controller 16 is not “**in response to the command** communicated by the client” as recited in Claim 1. As stated above, the Examiner relies upon a “command” in *Flood* communicated by a “program execution module 18” that “identifies the next step and instructs the program execution module 18 to begin executing it.” (*Flood*, col. 5, ll. 21-26). Yet, the Examiner fails to identify any “communication link” that is established “in response to” the cited “command” of *Flood*. Clearly, the connection created by cable 25 and the associated download of “user programs” into the “programmable controller” of *Flood* is not “in response to” the “command” of *Flood* cited by the Examiner. For at least these reasons, *Flood* fails to teach, suggest, or disclose a “management card operable to ... establish a communication link between the client and a particular one of the first interface card and the second interface card selected in response to the command communicated by the client” as recited, in part, in Claim 1.

Applicant respectfully reminds the Examiner that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (emphasis added). At best, the Examiner has superficially correlated various elements in *Flood* to various elements of Claim 1. A deeper examination of the functionality of the elements in *Flood* and of the functionality of the elements in Claim 1 reveals that elements of *Flood* are not used by the Examiner consistently and are not arranged as required by Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of amended Claim 1. For at least these reasons, and for those stated above with regard to Claim 1, Applicant respectfully requests reconsideration and allowance of Claims 7, 14, and 21. Claims 4-6, 10-13, 16, and 18-20 depend from independent claims shown above to be allowable. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 4-6, 10-13, 16, and 18-20.

Section 103 Rejections

The Examiner rejects Claims 2-3, 8-9, 15, and 17 under 35 U.S.C. §103(a) as being unpatentable over *Flood* and further in view of U.S. Patent No. 6,304,895 issued to Schneider et al. ("*Schneider*"). Applicant traverses this rejection of Claims 2-3, 8-9, 15, and 17. Claims 2-3, 8-9, 15, and 17 depend from independent claims shown above to be allowable. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 2-3, 8-9, 15, and 17.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. The amendment to Claim 1 made herein was not earlier filed because the typographical mistake that is corrected by the amendment was not earlier discovered. Applicant respectfully requests entry of the amendment to Claim 1. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicant, at the Examiner's convenience at (214) 953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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